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TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD #01-251(APCB)

DEVELOPMENT OF AMENDMENT TO RULE 326 IAC 8-1-2 CONCERNING COMPLIANCE METHODS APPLICABLE TO DIP OR FLOW OPERATIONS AT MISCELLANEOUS METAL COATING OPERATIONS SUBJECT TO THE VOLATILE ORGANIC COMPOUND RULES

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rule 326 IAC 8-1-2, compliance methods, applicable to dip or flow operations at miscellaneous metal coating operations regulated at 326 IAC 8-2-9. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 8-1-2.

AUTHORITY: IC 13-14-8.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

In response to a citizen petition to allow use of dip or flow operations for application of volatile organic compound (VOC) containing coatings to metal parts, the Indiana Air Pollution Control Board adopted a rule that added equivalent emissions limitations at 326 IAC 8-1-2(9) and compliance methods at 326 IAC 8-1-2(10) applicable to miscellaneous metal coating operations subject to 326 IAC 8-2-9.

Volatile organic compounds contribute to ozone formation. Ozone degrades air quality and is detrimental to human health. For these reasons VOCs are regulated. The vast majority of coatings available to be applied to a specific surface contain VOCs. There are a number of ways to apply coatings to a surface including spray guns and dip or flow operations.

Prior to promulgation of the rule that added equivalent emission limitations at 326 IAC 8-1-2(a)(9) and compliance methods at 326 IAC 8-1-2(a)(10), an owner or operator of a miscellaneous metal coating operation was required to use a spray gun to apply a VOC coating. Even though there would be less VOC emissions if a part was coated by dipping or flow coating, neither of these techniques could be used as a method to apply a VOC containing coating because there were neither equivalent emissions limitations nor a method to determine compliance with the emission limits. The rule that the air pollution control board adopted provided equivalent emission limitations for sources subject to 326 IAC 8-2-9 and provided two (2) ways to demonstrate compliance. Compliance could be demonstrated using a monthly volume-weighted average of all coatings applied in a coating tank, flow coater or flow coating line, or it could be demonstrated using compliant coatings in the tank or reservoir, and maintaining a viscosity of the coatings that is not less than the viscosity of the initial coating.

After the rule was promulgated, the United States Environmental Protection Agency (U.S. EPA) indicated that 326 IAC 8-1-2(a)(10)(A), which provides for monthly averaging is a relaxation of the daily compliance standard and 326 IAC 8-1-2(a)(10)(B), which provides for using viscosity as a measure of compliance as was done in a Subpart JJ NESHAP is unacceptable, because there are no acceptable test methods and subpart JJ has not been used as a compliance method for VOC sources. Additionally, U.S. EPA stated that commissioner discretion language at existing rule 326 IAC 8-1-2(a)(5)(B) provides a potential relaxation of the SIP and therefore is not approvable.

Many businesses that are interested in using dip or flow coating are required to have a Title V permit. The rules regulating emissions from VOC containing coatings applied to miscellaneous metal parts are part of the existing SIP and therefore applicable requirements for Title V purposes. At this time, U.S. EPA has not approved dip or flow coating as compliance options. Therefore until 326 IAC 8-1-2(a) subdivisions (5), (9), and (10) are amended and approved by U.S. EPA as amendments to the SIP, businesses can not comply with 326 IAC 8-2-9 using dip or flow operations and sources that have dip or flow coating operations cannot receive their Title V operating permit

The department and U.S. EPA have identified approvable amendments to 326 IAC 8-1-2 that provide a compliance option for sources using dip or flow coating as application techniques. This option relies on determining compliance "as applied" based on the interval between solvent additions and use of an equation. Additionally, the commissioner discretion issue at 326 IAC 8-1-2(a)(5) will be addressed by determining compliance according to a specified equation.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.

- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
 - (2) The submission of suggestions for the development of draft rule language.
- Comments, whether mailed, hand delivered, or faxed, should be addressed as follows:

#01-251(APCB) Dip tanks

Kathryn A. Watson, Chief

Air Programs Branch

Office of Air Quality

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Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana, Monday through Friday, between 8:15 a.m. and 4:45 p.m.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered or faxed by August 30, 2001.

Additional information regarding this action may be obtained from Patricia Troth, Rules Development Section, Office of Air Quality, (317) 233-5681, or (800) 451-6027 press 0, and ask for Patricia Troth (in Indiana).